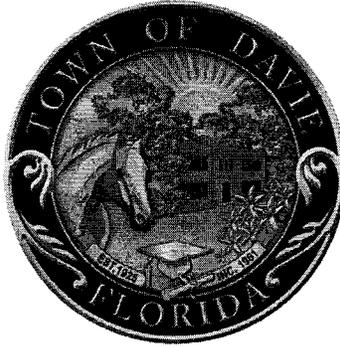


**TOWN OF DAVIE
HUMAN RESOURCES DEPARTMENT**



**CONFLICT OF INTEREST
SOP #20-005**

April 5, 2017

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this Operating Procedure.

Revision	Date	Responsible Department	Description of Change
1	July 21, 2010	Human Resources	Initial Release
2	September 19, 2012	Human Resources	Revision
3	April 5, 2017	Human Resources	Revision

APPROVALS:


Human Resources Director/Grace Garagazzo

2/5/19
Date


Town Administrator/Richard J. Lemack

2/7/19
Date

1-1. POLICY.

This policy is intended to promote the public interest and to ensure ethical principles governing the conduct of Town employees, contracted personnel, and elected or appointed officials. No Town employees, contracted personnel, and elected or appointed officials shall utilize their position for private or personal benefit/gain or for which may create the appearance of impropriety. All Town employees, contracted employees, and elected or appointed officials shall comply with Florida Statute § 112.311(5), the Broward County Code of Ethics, and the Town of Davie Code of Ethics.

1-2. SCOPE.

This operating procedure applies to all employees, contracted personnel, and elected or appointed officials of the Town of Davie (Town). This includes but is not limited to all full time employees, part time employees, contracted personnel, seasonal employees, and volunteers. No Town employee, contracted personnel, and elected or appointed official shall have any type of interest, financial or otherwise which creates a conflict of interest in their Town capacity. No Town employee, contracted personnel, and elected or appointed official shall directly or indirectly engage in any business transaction, professional activity or incur any obligation, of any nature, which creates a conflict of interest in their Town capacity.

1-3. REFERENCES.

- a. Florida Statute § Chapter 112, Part III, Code of Ethics For Public Officers and Employees.
- b. Broward County Code of Ordinances Sec. 1-19, Code of Ethics for Elected Officials.
- c. Town of Davie Code of Ordinances Sec. 2-56.

1-4. DEFINITIONS.

- a. This SOP shall adopt the definitions set forth in Florida Statute § 112.312, the Broward County Code of Ethics § 1-19(b), and Town of Davie Code § 2-57. The following definitions shall be used to supplement the State and County definitions and shall not conflict with them.
 1. Conflicts of Interest – "Conflict" or "Conflict of Interest" shall mean a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
 2. Contractor – shall mean any person or entity currently under contract with the Town of Davie.
-

3. Relative – shall incorporate the meaning defined in Florida Statute § 112.312(21).
4. Corruptly – shall mean done with a wrongful intent and for the purpose of obtaining or compensating or receiving compensation for, any benefit resulting from some act or omission which is inconsistent with the proper performance of his or her public duties.
5. Gift – shall incorporate the meaning defined in Florida Statute § 112.312(12) (a) and (b).

1-5. PROCEDURE

- a. EXAMPLES - The following situations are examples that shall be considered potential conflicts of interests for Town of Davie employees, contracted personnel, and elected or appointed officials:

1. Engaging in a private business or financial relationship, involving oneself or a relative that may secure advantage for goods, services or influence due to the employee's position with the Town of Davie.
2. Performing any services, purchases, or leases for another person or entity that is doing or seeking to do business with the Town of Davie.
3. Owning or having a relative that owns a financial interest in an entity that is doing or seeking to do business with the Town of Davie.

b. RESPONSIBILITIES FOR CONFLICT OF INTEREST

1. Employee, contracted personnel, volunteer, or seasonal employee:
If any conflicts of interest are possible, he/she is obligated to advise his/her immediate supervisor and fill out the Conflict of Interest Declaration Form as soon as they have knowledge of the potential conflict. The Conflict of Interest Declaration Form shall be provided to the Department Director/Immediate Supervisor who will process it for review. No actions shall be taken until the Conflict of Interest Declaration Form is reviewed by all applicable parties and a decision is rendered. Subsequently, the employee shall be notified.
2. Elected Officials: If any conflicts of interest are possible, he/she is obligated to immediately advise the Office of the Town Attorney and request a legal memorandum addressing the issue.
3. Appointed Officials and Committee/Board Members: If any of these potential conflicts of interest are possible, the official/member would disclose the information on the appropriate form during the application process with the

Town Clerk. Subsequently, should any conflict of interest arise, the individual shall immediately notify the Town Clerk's Office.

c. GIFTS AND GRATUITIES

1. No employee, contracted personnel, and elected or appointed official shall solicit or accept, anything of value, including a gift, loan, reward, promise of future employment, favor, or service, when the employee, contracted personnel, and elected or appointed official knows or should know that it is given to influence their vote, action, decision, recommendation or clout of the employee, contracted personnel, and elected or appointed official in the course of their employment or service with the Town of Davie.
2. No employee, contracted personnel, and elected or appointed official shall accept a gift from the public as appreciation for their work or service for the Town of Davie. This excludes service recognition awards.

d. DISCLOSURE OF INFORMATION

Employees, contracted personnel, elected or appointed officials shall not use their official position with the Town or information obtained in connection with their employment for private gain or personal benefit.

e. VIOLATIONS/CONFLICTS OF INTEREST

Failure to comply with this policy may be subject to disciplinary action up to and including dismissal.

With respect to the elected officials, any violations will be referred to the appropriate law enforcement agency and the Florida Commission on Ethics.



TOWN OF DAVIE
CONFLICT OF INTEREST DECLARATION FORM
SOP #20-005

Employee Name _____ Position Title _____ Department/Division _____

Please acknowledge and certify one of the options listed below:

_____ I have no known conflicts of interest with the Town of Davie (hereinafter referred to as "Town") as defined by the Town of Davie SOP #20-005 and State of Florida Statutes.

OR;

I have an actual or perceived potential conflict of interest, please choose from the following:

- _____ Engaging in private business or financial relationship, involving oneself or a relative that may secure advantages for goods, services, or influence due to the employee's position with the Town of Davie.
- _____ Performing any services, purchases, or leases for another person or entity that is doing or seeking to do business with the Town of Davie.
- _____ Owning or having a relative that owns a financial interest in an entity that is doing or seeking to do business with the Town of Davie.
- _____ Accepting a gift from the public as appreciation for their work or service for the Town of Davie.
- _____ Soliciting or accepting anything of value, including a gift, loan, reward, promise of future employment, favor or service, with knowledge that it was given to influence a vote, action, decision and/or recommendation.
- _____ Using my position with the Town or information obtained in connection with my employment for private gain or personal benefit.
- _____ Serve on a board that makes decisions impacting the Town of Davie or its residents.
- _____ Have a relationship with a vendor/supplier of the Town or with other public agencies.

If yes, please describe the potential or actual conflict and current position.

IF AN EMPLOYEE'S POSITION/SITUATION CHANGES, THE EMPLOYEE IS REQUIRED TO DISCLOSE IN WRITING A FULL DESCRIPTION OF ANY ACTIVITY, INTEREST, OR RELATIONSHIP ON THEIR PART THAT MAY CREATE OR APPEAR TO CREATE A CONFLICT OF INTEREST UNDER THE PROVISIONS OF THE POLICY AS SOON AS THEY HAVE KNOWLEDGE OF THE POTENTIAL CONFLICT (EXAMPLES OF POTENTIAL CONFLICTS OF INTEREST ARE STATED ABOVE).

Employee Signature _____	Date _____	<input type="checkbox"/> Reviewed and submitted to Human Resources _____
Department Director or Designee Signature _____	Date _____	
HR Director Signature _____	Date _____	<input type="checkbox"/> Reviewed and submitted to Town Attorney _____

ADMINISTRATION USE ONLY

This disclosure has been reviewed by the Town Attorney and there is ____ or is not ____ a conflict of interest.

Town Attorney

John Rayson

- cc: Personnel File
- Department
- Procurement Department
- Town Administrator